

**From:** [Tyner Helms](#)  
**To:** [White, Roberta](#)  
**Subject:** RE: [EXT] Assignment for EPA-2022-003398  
**Date:** Wednesday, May 4, 2022 10:22:21 AM  
**Attachments:** [FOIA Request to EPA \(3-17-2022\).pdf](#)

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Roberta,

Our FOIA request (attached) was sent via certified mail on March 17, 2022. My reference to “Part 1” meant the portion of the request on page 3 next to the Roman numeral I, which states “To the extent the EPA has already produced documents to Volkswagen pursuant to a FOIA request by its counsel, the EPC requests the same documents produced by the EPA in connection with said FOIA request.”

“Part II” was referencing the next portion of the request next to Roman numeral II, which states, “From the date of the EPA’s production of documents pursuant to any Volkswagen FOIA request to the present, please produce the following documents”.

Please let me know if this clarifies things.

## **Tyner Helms**

Associate  
334.269.2343

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**From:** White, Roberta <White.Roberta@epa.gov>  
**Sent:** Wednesday, May 4, 2022 6:35 AM  
**To:** Tyner Helms <Tyner.Helms@BeasleyAllen.com>  
**Subject:** RE: [EXT] Assignment for EPA-2022-003398

**[EXTERNAL]**

“Thank you for your email dated May 3 providing clarification of your FOIA request. I note that you make reference to a “Part 1” of your request and you included a quote that you state is from your request. However, your request does not include multiple parts and it does not include the quote that you put in your email. Instead, your FOIA request merely states as follows: “Requesting documents related to diesel emissions tampering” and nothing more. Thus, it appears that you may have intended to attach a detailed letter or description but failed to include the attachment when you submitted your request.

At this point, your request remains lacking insufficient detail for EPA to process it. Please advise as to whether you had intended to submit a more detailed request than you actually submitted.”

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**From:** Tyner Helms <[Tyner.Helms@BeasleyAllen.com](mailto:Tyner.Helms@BeasleyAllen.com)>

**Sent:** Tuesday, May 3, 2022 4:07 PM

**To:** FOIA HQ <[FOIA\\_HQ@epa.gov](mailto:FOIA_HQ@epa.gov)>; White, Roberta <[White.Roberta@epa.gov](mailto:White.Roberta@epa.gov)>

**Subject:** RE: [EXT] Assignment for EPA-2022-003398

Dear Roberta,

I wanted to follow up on the EPA's letter asking for information regarding our FOIA request. In an attempt to clarify, I will explain our priorities with respect to the Volkswagen ("VW") vehicles first. For the VW vehicles, we are most interested in documents relating to any post-sale software updates or modifications to the emission control system of the vehicles, including post-sale updates or modifications occurring during recalls. This includes but is not limited to, updates to the emission control system of the vehicles occurring from 2012-2016. There are three updates that we are particularly interested in – updates with the software part 23O6, 23N4, and 23N5 – that occurred during recalls. Documents relating to those software updates are a priority for us.

For the Mercedes vehicles, there are also a couple of particular categories of documents that we are particularly interested in. Specifically, the documents that we are most interested in in the immediate future are documents relating to post-sale updates or modifications to the Mercedes vehicles' emission control system in our vehicle list via **field fixes**, and or recalls campaigns. However, in addition to the field fixes, any documents reflecting post-sale updates or modifications that Mercedes implemented in the vehicles' emission control system are a priority for us.

In addition, part 1 of our request states, "To the extent the EPA has already produced documents to Volkswagen3 pursuant to a FOIA request by its counsel, the EPC requests the same documents produced by the EPA in connection with said FOIA request." Then, the beginning of part II states, "From the date of the EPA's production of documents pursuant to any Volkswagen FOIA request to the present, please produce the following documents." Please note that this only applies to documents relating to the VW vehicles. For the Mercedes vehicles, we are interested in documents concerning any post-sale updates or modifications to the emission control system going back to any period of time after those vehicles were on the market.

Lastly, we are in pending litigation in which we have asked the court in our litigation for 90 days to receive and review documents produced from the EPA pursuant to our FOIA request. If there is any way for the EPA to accommodate this timeline in its production to us, that would be greatly appreciated.

I appreciate your assistance in completing this record request. Please do not hesitate to call me if you would like to discuss this further, or if there is anything we can do to make the completion of this record request easier for the EPA.

Sincerely,



## Tyner Helms

Associate  
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**From:** [foia\\_hq@epa.gov](mailto:foia_hq@epa.gov) <[foia\\_hq@epa.gov](mailto:foia_hq@epa.gov)>  
**Sent:** Thursday, April 14, 2022 6:13 AM  
**To:** Tyner Helms <[Tyner.Helms@BeasleyAllen.com](mailto:Tyner.Helms@BeasleyAllen.com)>  
**Subject:** [EXT] Assignment for EPA-2022-003398

**[EXTERNAL]**

04/14/2022

Tyner D. Helms  
218 Commerce Street  
P.O. Box 4160  
Montgomery, AL, 36103

[tyner.helms@beasleyallen.com](mailto:tyner.helms@beasleyallen.com)

Re: Freedom of Information Act Request - EPA-2022-003398

Hello:

Please see attached. Sincerely,

National FOIA Office  
U.S. Environmental Protection Agency